

## **REMARKS**

### **Status of the Claims**

Claims 1-53 are pending in the above-identified application, with Claims 27-44 and 53 being withdrawn due to a restriction requirement. Therefore, Claims 1-26 and 45-52 are currently pending and under examination in the above-identified application. Claims 2-26 and 45-52 are allowed. Claims 1, 7, 10, 12-14, and 48 are amended herein, and Claims 27 and 44 are withdrawn and currently amended herein. Claims 2-6, 8-11, 13-26, 45-47, and 49-52 are original. Support for the amendments is found throughout the specification. Accordingly, the amendments do not introduce new matter into this application.

### **Claim Objection**

The Patent and Trademark Office ("PTO") objected to Claim 1 because of use of the term "polymerizable" moiety. Respectfully, Applicants assert that this objection is obviated in view of the amendment to Claims 1, 7, 12, 27, 44, and 48. Support for this amendment can be found throughout the specification, and particularly on page 53, line 22, to page 54, line 2. Accordingly, Applicants respectfully request that this objection be withdrawn.

### **Rejoinder of Group II Method Claims 27-44 and 53**

The PTO states that a restriction requirement is deemed proper and that Applicant's election of Group I Claims 1-26 and 45-52 is acknowledged. Group II Claims 27-44 and 53 are drawn to a method of making the Alq<sub>3</sub>-functionalized polymer or Mq<sub>n</sub>-functionalized polymer compositions of the Group I claims. The PTO states that the election has been treated as an election without traverse, since the Applicants did not specifically point out the supposed errors in the restriction requirement.

Applicants respectfully disagree with the PTO's treatment of the July 25, 2005 response to the restriction requirement as an election without traverse. Applicants assert that the Group I claims (compounds or compositions) and Group II claims (methods of making such compounds or compositions) are so closely related that there is no undue burden on the

PTO to search both groups of claims contemporaneously. Applicants elected to pursue the Group I claims with traverse.

Further, Applicants respectfully assert that the above amendments place the Group I claims in condition for allowance. Therefore, Applicants request that claims drawn to a method of making the compounds and compositions, Group II Claims 27-44 and 53, be rejoined with Claims 1-26 and 45-52. According to MPEP § 821.04, "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

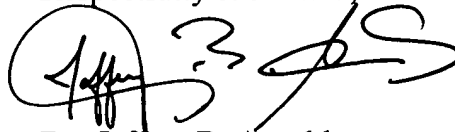
Because method Claims 27-44 and 53 include all the features of the Group I composition Claims 1-26 and 45-52, Applicants invoke their right to have Claims 27-44 and 53 rejoined and allowed as well.

### CONCLUSION

In view of the above amendments and remarks, Applicants respectfully assert that the objection of the claims as set forth in the Office Action has been fully addressed and overcome. Hence, Applicants assert that all Claims are in condition for allowance and request that an early notice of allowance be issued. If issues may be resolved by Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2433 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffery B. Arnold', is written over a circular stamp. The signature is stylized and fluid.

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